

**STATE OF ILLINOIS
ILLINOIS STATE POLICE MERIT BOARD**

IN THE MATTER OF

**SERGEANT WAYNE WYNN
I.D. # 4545**



**Illinois State Police Merit Board
Docket No. 18-02**

DECISION

A Complaint was filed with the Merit Board on March 16, 2018, by Leo P. Schmitz, Director of the Illinois State Police, requesting that Sergeant Wayne Wynn be suspended from employment with the Illinois State Police for a period greater than thirty (30) days. Ms. Peggy Ryan was appointed to serve as the Hearing Officer. No hearing was held.

This matter comes before the Illinois State Police Merit Board for consideration on the JOINT MOTION TO DISMISS submitted by both parties. On January 15, 2019, the Board, by unanimous decision, voted to grant the JOINT MOTION, and dismiss this matter.

The Merit Board grants the JOINT MOTION TO DISMISS, which is attached to this Decision, and adopts and incorporates it herein. The facts stipulated show the Respondent is no longer employed by the Illinois State Police and therefore this matter is moot. It is, therefore, the unanimous decision of the Board to dismiss this matter with prejudice.

Reeve Waud, Chairman
Illinois State Police Merit Board

DATED: January 15, 2019

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NOV 19 2018
ILLINOIS STATE POLICE
MERIT BOARD

ILLINOIS STATE POLICE MERIT BOARD
OF THE STATE OF ILLINOIS

In Re the Matter Of:

SERGEANT WAYNE WYNN
I.D. 4545
[REDACTED]

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DOCKET NO. 18-2

JOINT MOTION TO DISMISS

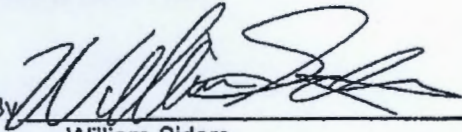
Now comes LEO SCHMITZ, Director, Illinois State Police, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and Assistant Attorney General William Siders, and Respondent WAYNE WYNN, by his attorney, Bruce R. Bialorucki, and respectfully request that the Illinois State Police Merit Board dismiss this matter as moot. In support thereof, the parties state as follows:

1. Respondent, Wayne Wynn, retired from the Illinois State Police effective October 23, 2018. A copy of the parties amended Officer Action Request Agreement (Retirement) is attached hereto as Exhibit 1. Respondent, Wayne Wynn, was formerly employed by the department and held the rank of Sergeant, ID number: 4545.

2. Due to the fact that Respondent has retired from the department, he is no longer employed as an Illinois State Police officer, and therefore this matter should be dismissed with prejudice as moot.

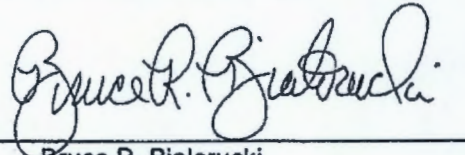
WHEREFORE, for the foregoing reasons, the parties respectfully request that this matter be dismissed with prejudice as moot.

LEO SCHMITZ, Director
Illinois State Police

By 

William Siders
Assistant Attorney General
100 W. Randolph St., 13th Fl.
Chicago, IL 60601
312/814-4450

WAYNE WYNN, Respondent

By 

Bruce R. Bialorucki
Troopers Lodge #41
5880 S. Sixth St. Rd.
Springfield, IL 62703
217/529-4104

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**ILLINOIS STATE POLICE
MERIT BOARD**

PROOF OF SERVICE

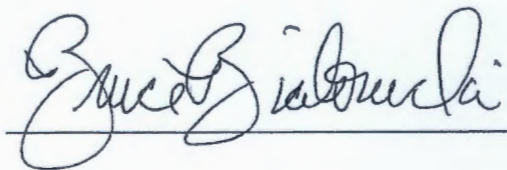
The undersigned hereby certifies that a copy of the Joint Motion to Dismiss was mailed to the following at the last known address of:

Illinois State Police Merit Board
531 Sangamon Avenue East
Springfield, IL 62702

Peggy Ryan
Hearing Officer
1 N. Old State Capitol Plaza, Suite 200
Springfield, IL 62705

Assistant Attorney General William Siders
Office of the Attorney General
500 S. 2nd Street
Springfield, IL 62706

by enclosing the same in an envelope addressed to them as shown above, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Springfield, Illinois, on this 19th day of November 2018.

A handwritten signature in cursive script, reading "Bruce Bialorucki", written over a horizontal line.

BRUCE BIALORUCKI
Lodge Counsel
Troopers Lodge #41, FOP
5880 South Sixth Street Rd.
Springfield, IL 62703
Telephone: 217/529-4104

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NOV 19 2018

ILLINOIS STATE POLICE
OFFICER ACTION REQUEST

AMENDED

ILLINOIS STATE POLICE
MERIT BOARD

Forward completed form through chain of command to the Public Safety Shared Services Center 15 days PRIOR to effective date.

PART A - must complete all boxes

Last NAME: Wynn	First Earl	MI W	ID#: 4545	TRANSACTION EFFECTIVE DATE: 10/24/18
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PART B - PERMANENT ASSIGNMENT - must complete all boxes

RANK: SGT.	WORKING TITLE (if applicable): N/A	SALARY LEVEL: 5	PAY CODE: 21025	COST CENTER: 009
DIVISION: DOO	BUREAU DISTRICT: 09	UNIT: Patrol	PLATOON: 2	WORK COUNTY: Sangamon

PART C - NEW OR TEMPORARY ASSIGNMENT - must complete all boxes

RANK: NA	WORKING TITLE (if applicable): NA	SALARY LEVEL: NA	PAY CODE: NA	COST CENTER: NA
DIVISION: NA	BUREAU DISTRICT: NA	UNIT: NA	PLATOON: NA	WORK COUNTY: NA

PART D - ACTION REQUESTED - check all applicable

<input type="checkbox"/> Address/Phone/Name Change (Use Comments)	<input type="checkbox"/> Promotion
<input checked="" type="checkbox"/> Departure - Type: Retirement	<input type="checkbox"/> Temporary Assignment
<input type="checkbox"/> Designated Salary (Explain in comments)	Through Date: _____
<input type="checkbox"/> Leave of Absence - Type: _____	<input type="checkbox"/> Temporary Assignment Extension
Through Date: _____	Through Date: _____
<input type="checkbox"/> Leave Extension - Through Date: _____	<input type="checkbox"/> Temporary Assignment Termination
<input type="checkbox"/> Leave of Absence Return	<input type="checkbox"/> Transfer (Between divisions, districts/bureaus or units)
<input type="checkbox"/> Military - Type: _____	<input type="checkbox"/> Other (Specify in comments)
Through Date: _____	
(Indicate daily 508 codes - A or C)	

COMMENTS (Brief description of action to be taken.):

Sgt. Wynn Will retire COB 10/23/2018. This is an amended OAR from his previous OAR dated 11/01/2018.

ILLINOIS STATE POLICE
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OCT 25 2018

OPERATIONS DIVISION
PERSONNEL LIAISON

PART E - SIGNATURES

OFFICER SIGNATURE: <i>[Signature]</i>	DATE: 10/23/18
COMMANDER SIGNATURE: <i>[Signature]</i>	DATE: 10/23/18
COLONEL SIGNATURE FOR PART B: <i>[Signature]</i>	DATE: 10/25/18
COLONEL SIGNATURE FOR PART C (if applicable):	DATE:
DIRECTOR SIGNATURE: <i>[Signature]</i>	DATE: 10/26/18

EXHIBIT

tabbier

ICD 9.04 15/141

STATE OF ILLINOIS
ILLINOIS STATE POLICE MERIT BOARD

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MAR 16 2018
ILLINOIS STATE POLICE
MERIT BOARD

IN THE MATTER OF:

SERGEANT EARL W. WYNN, JR.
I.D. No. 4545



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Illinois State Police
Merit Board No. 18-2

COMPLAINT

NOW COMES Leo P. Schmitz, Director of the Illinois State Police, pursuant to 20 ILCS 2610/14 and 80 Ill. Admin. Code § 150.575, and states as follows:

COUNT I

SUBMITTING AN UNTRUTHFUL REPORT

1. Earl Wynn (Respondent) is employed as a State Police Officer by the Illinois State Police (Department). Respondent holds the rank of Sergeant and has an adjusted seniority date of June 6, 1994. At all times relevant to this Complaint, Respondent was assigned to the Division of Operations in District 9, and worked at the District 9 Headquarters in Springfield, Illinois (District Headquarters).
2. On June 3, 2017, at approximately 11:55 p.m., while employed in his official capacity as an Illinois State Police Sergeant, Respondent was conducting stationary patrol on Interstate 72 westbound at milepost 107 when he

observed a vehicle traveling 86 miles per hour in a 70 mile per hour speed zone in Sangamon County, Illinois.

3. Respondent pulled onto the interstate, caught up to the vehicle, and activated his emergency lights in an attempt to stop the vehicle at which point the driver of the other vehicle accelerated to approximately 100 miles per hour at milepost 102.5 in an attempt to evade Respondent.
4. While catching up to the suspect vehicle, Respondent reached a speed of approximately 112 miles per hour according to Respondent's in-car camera.
5. Respondent continued to pursue the suspect vehicle which drove through a red light at the intersection of Clear Lake Avenue and Dirksen Parkway in Springfield, Sangamon County, Illinois.
6. Respondent stopped for the red light at the intersection, determined it safe to proceed, then continued through the intersection while the light was still red and accelerated quickly as he continued his pursuit of the suspect vehicle with his emergency lights activated.
7. Respondent's in-car camera indicated that he reached speeds of between 75 and 83 miles per hour in a 40 mile per hour speed zone over a distance of seven blocks during the pursuit in Springfield, Sangamon County, Illinois.
8. Shortly after the pursuit, Respondent met with a supervising officer, Master Sergeant Eric Helton, who watched a portion of the video with Respondent and instructed Respondent to complete a field report documenting the incident.

9. On June 4, 2017, Respondent stated to Master Sergeant Helton that he did not know that he needed to complete a field report following his pursuit of the suspect vehicle on June 3, 2017.
10. On June 4, 2017, Respondent completed and submitted ISP Field Report, "Fleeing Traffic Stop," in which Respondent indicated that he was "traveling at the posted speed limit" despite the video footage from his squad car indicating that he was traveling between 75 and 83 miles per hour in a 40 mile per hour speed zone over a distance of seven blocks during the pursuit in Springfield, Sangamon County, Illinois.
11. Respondent did not view the video footage of the pursuit prior to completing and submitting an ISP field report on June 4, 2017, despite being instructed to by a supervising officer, Master Sergeant Helton.
12. On December 12, 2017, Respondent stated during his administrative interview that he did not know how to access and review his in-car video, and failed to ask anyone for assistance despite being instructed to review the video prior to submitting a report.
13. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraphs III.A.33., which states:

"Reports submitted by officers will be truthful and complete, and no officer will knowingly make false statements, charges or allegations in connection with any Department citations, warnings, assistance rendered, accident reports, field reports, investigative reports,

computer entries or by any other means that creates an official record of the Department.”

(First Offense – Level 5 Misconduct, 60-90 Day Suspension)

Respondent violated this rule in that on June 4, 2017, Respondent submitted an untruthful field report documenting his involvement in a vehicle pursuit on June 3, 2017, when he stated he was traveling the posted speed limit after determining the vehicle was not going to stop at the Interstate 55/Interstate 72 Interchange in Springfield, Illinois, when his video showed he was traveling up to 82 miles per hour in a 40 miles per hour zone on Clear Lake Avenue in an attempt to continue to conduct a traffic stop on the vehicle.

COUNT II

**FAILURE TO TRUTHFULLY ANSWER QUESTIONS OF A SUPERIOR
OFFICER RELATING TO THE SCOPE OF HIS EMPLOYMENT**

(PURSUIT INCIDENT)

- 1-12. Paragraphs 1. through 12., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12., inclusive, of Count II as if fully set out herein.
14. All or a portion of the facts set forth herein constitute Respondent’s violation of Department Directive ROC-002, Paragraphs III.A.40., which states:

“Upon the order of the Director, Colonel, or a superior officer, officers will truthfully answer all questions specifically directed and narrowly

related to the scope of employment and operations of the Department that may be asked of them.”

(First Offense – Level 4 Misconduct, 31-45 Day Suspension)

Respondent violated this rule on June 4, 2017, when he did not truthfully answer questions to the supervisor of his overtime detail, Master Sergeant Eric Helton, when Respondent advised Master Sergeant Helton that he terminated the traffic stop at the Interstate 55/Interstate 72 Interchange in Springfield, Illinois, when Respondent’s in-car video showed that he continued to attempt to stop the suspect vehicle after passing this location and showed that he was traveling 82 miles per hour in a 40 mile per hour speed zone on Clear Lake Avenue in a continued attempt to conduct a traffic stop, and Respondent admitted during his administrative interview on December 12, 2017, that he was still attempting to conduct a traffic stop on the vehicle after passing the interchange.

COUNT III

DISOBEYING A LAWFUL ORDER OF A SUPERIOR OFFICER

- 1-12. Paragraphs 1. through 12., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12., inclusive, of Count III as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent’s violation of Department Directive ROC-002, Paragraphs III.A.4., which states:

“Officers will obey any lawful order of a superior. This will include orders relayed from a supervisor, by a person of the same or lesser rank, or by a telecommunicator via radio or electronic medium.”

(First Offense – Level 3 Misconduct, 15-30 Day Suspension)

Respondent violated this rule on June 4, 2017, when he did not follow the lawful order of his overtime detail supervisor, Master Sergeant Eric Helton, when Respondent failed to review his in-car video prior to completing his field report as he was instructed to do.

COUNT IV

VIOLATING THE DEPARTMENT’S PURSUIT POLICY

- 1-12. Paragraphs 1. through 12., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12., inclusive, of Count IV as if fully set out herein.
16. All or a portion of the facts set forth herein constitute Respondent’s violation of Department Directive ROC-002, Paragraphs III.A.39., which states:

“Officers will operate vehicles in a careful and prudent manner, and will obey all laws and all Department directives pertaining to such operation.”

(First Offense – Level 1 Misconduct, Reprimand – 3 Day Suspension)

Respondent violated this rule on June 3, 2017, when he continued to attempt to conduct a traffic stop on a vehicle for speeding after determining it was not

going to stop in violation of the Department's pursuit policy set forth in OPS-003.

COUNT V

UNSATISFACTORY PERFORMANCE

- 1-12. Paragraphs 1. through 12. inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12., inclusive, of Count V as if fully set out herein.
17. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraphs III.A.12., which states:

“Officers will maintain sufficient competency to properly perform their duties and assume the responsibilities of their position. Officers will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grad or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; the failure to successfully complete mandatory annual training requirements; or absence without leave. An isolated incident can be

evidence of incompetence and/or unsatisfactory performance. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.”

(First Offense – Level 1 Misconduct, Reprimand – 3 Day Suspension)

Respondent violated this rule on June 4, 2017, upon meeting with Master Sergeant Helton, Respondent demonstrated unsatisfactory performance when he stated he did not know that he needed to complete a field report following the attempted traffic stop on June 3, 2017, and also on June 4, 2017, when the Respondent failed to review his in-car video prior to submitting his report, and when he admitted during his administrative interview on December 12, 2017, that he did not know how to access and review his in-car video, and further admitted to failing to ask anyone to assist him with this.

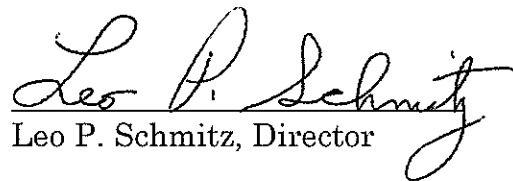
CERTIFICATION

A copy of Illinois State Police Department Directive ROC-002, Rules of Conduct, is provided in the incorporated attachment and is certified by the Director as accurate, complete, and in full force and effect at the time the aforementioned acts were committed.

CONCLUSION

WHEREFORE, by reason of these facts and charges, I request the Illinois State Police Merit Board conduct a hearing in this matter and suspend Respondent from employment with the Illinois State Police for a period exceeding 30 days.

Respectfully submitted,


Leo P. Schmitz, Director

Illinois State Police
801 South Seventh Street, Suite 1100-S
Springfield, Illinois 62703